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8 **UNITED STATES DISTRICT COURT**
9
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 CASE NO.: 2:17-cr-00001-JAD-CWH

13 Plaintiff;

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15 **STIPULATION TO CONTINUE
16 SENTENCING HEARING
17 (First Request)**

18 vs.
19 HENRIQUE ORTOLANI DE SOUZA
20 REAL,

21 Defendant.

22 IT IS HEREBY STIPULATED AND AGREED, by and between PATRICK BURNS,
23 Assistant United States Attorney, and KATHLEEN BLISS, counsel for defendant Henrique
24 Ortolani Dr Souza Real, that the Sentencing Hearing, currently set for October 15, 2018, be
25 VACATED and reset to a time convenient for the Court, but time in February 2019, after
26 sentencing in case *United States v. Real*, 2:16-cr-00331-JCM-NJK, which is scheduled on January
27 23, 2019, at 10 a.m. (ECF No. 79) before the Honorable District Court Judge James C. Mahan.
28 This stipulation is entered into based upon the following:

- 29 1. On July 9, 2018, defendant pleaded guilty (ECF No. 360).
- 30 2. Defendant's family resides in Brazil and would like to travel to the United States to support
31 Defendant at sentencing. Family support is key to Defendant's sentencing and a necessary
32 component of the sentencing factors under 18 U.S.C. § 3553, that this Court must consider.
- 33 3. The additional time requested for this stipulation is reasonable pursuant to Fed. R. Crim.
34 P. 23(b)(2), which states that the "court may, for good cause, change any time limits

prescribed [for sentencing] I this rule. “Furthermore, a delay in sentencing does not implicate or determine the defendant’s speedy trial rights under the United States Constitution. See *Betterman v. Montana*, 136 S. Ct. 1609, 1617-18 (2016).

4. This is the first request for a continuance of sentencing. The additional time requested herein is not sought for purposes of delay.
5. Denial of this request for a continuance would deny counsel for Mr. Real sufficient time to effectively and thoroughly prepare for sentencing, taking into account due diligence. Accordingly, a denial of this request for a continuance could result in a miscarriage of justice.

DATED: September 28, 2018

/s/ John Patrick Burns
Patrick Burns Esq.
Assistant United States Attorney

/s/ *Kathleen Bliss*
Kathleen Bliss, Esq.
Counsel for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

CASE NO.: 2:17-cr-00001-JAD-CWH

Plaintiff;

ORDER

VS.

HENRIQUE ORTOLANI DE SOUZA
REAL,

Defendant.

Based upon the stipulation of the parties, and good appearing, it is hereby ORDERED that Mr. Real's sentencing hearing currently set for October 15, 2018, be, and the same hereby is, VACATED.

IT IS FURTHER ORDERED that the sentencing hearing is reset for February 11, 2019, at the hour of 9:00 a.m. in LV courtroom 6D.

DATED: 10/1/2018

JUDGE JENNIFER A. DORSEY
U.S. DISTRICT COURT JUDGE